

January 16, 2001

## FACT SHEET

### DIRECT FINAL REVISION TO THE OPERATING PERMIT RULES COMPLIANCE CERTIFICATION REQUIREMENTS

#### TODAY'S ACTION

- ! The Environmental Protection Agency (EPA) is revising the operating permits rules (40 CFR Parts 70 and 71) to require permitted facilities to identify as part of their annual (or more frequent) compliance certification whether compliance during the period was continuous or intermittent.

#### BACKGROUND

- ! This revision is in response to the United States Circuit Court of Appeals October 29, 1999, decision to remand part of EPA's October 22, 1997, Compliance Assurance Monitoring rule that included revisions to the compliance certification requirements for operating permits. The Court ruled that the compliance certification must address whether the industrial facility has been in continuous or intermittent compliance. The result of today's action will revise only certain sections of the operating permit rules to reflect the change in compliance certification requirements.

#### WHO WILL BE AFFECTED BY THE COMPLIANCE CERTIFICATION REVISION?

- ! This revision would affect owners or operators of all industrial facilities who currently have operating permits and any future operating permits . The change would become effective 60 days after publication of this notice in the Federal Register. Following this time, the industry would be required to indicate whether their compliance has been continuous or intermittent. Some state, local, and tribal governments may need to revise their compliance certification requirements to make them consistent with this revision.

#### FOR MORE INFORMATION...

- ! Interested parties can download the rule from EPA's web site on the Internet under recent actions at the following addresses: <http://www.epa.gov/ttn/oarpg> and <http://www.epa.gov/ttn/emc> . For further information about the rulemaking, contact Peter Westlin at EPA's Office of Air Quality Planning and Standards at (919) 541-1058.
- ! EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of

information on many air pollution programs and issues. The Office of Air and Radiation's homepage address is: <http://www.epa.gov/oar/>.